

JR4-2-405 Review of programs -- Failure to meet performance measures -- Revocation of program or appropriation.

- (1) Subject to the procedures and requirements of Utah Code Section 36-12-15, the legislative auditor general shall:
 - (a) review each new agency or new program that has been determined to be a new agency or new program that is subject to the requirements of JR4-2-404;
 - (b) if the legislation's performance note contained a performance note submitted by the governmental entity and an alternative performance note submitted by the sponsor of the legislation, review the new agency or new program under each of the performance note standards;
 - (c) make a determination as to whether each goal, proposed impact, and performance measure has been met or not met, and whether the new agency or new program has substantially met its goals and proposed impacts, and has provided adequate performance measures; and
 - (d) if authorized and prioritized by the Legislative Audit Subcommittee, perform a second, more in-depth review of a new agency or new program and revise or change the determination based upon the results of the in-depth review.
- (2)
 - (a) At least annually, the legislative auditor general shall provide the Executive Appropriations Committee with a report listing the new agencies and new programs reviewed, and for each new agency or program, a description of the review conducted and the determination made.
 - (b) If a governmental entity refuses to supply a required performance note or if the legislative auditor general makes a determination that a new agency or new program has not substantially met its goals, proposed impacts, or has not provided adequate performance measures, the legislative auditor general shall provide notice of the refusal or determination to:
 - (i) the new agency or the governmental entity that administers the new program;
 - (ii) the sponsor and opposite house sponsor of the legislation that was subject to the performance note requirements under JR4-2-404, or the president of the Senate or speaker of the House, as appropriate, if the sponsor or opposite house sponsor is no longer serving as a legislator; and
 - (iii) the chairs of the Executive Appropriations Committee.
- (3) Upon receipt of a report or notice issued under Subsection (2), the chairs of the Executive Appropriations Committee shall place the report or notice on the agenda for review and consideration at the next Executive Appropriations Committee meeting.
- (4) When considering a report or notice submitted under Subsection (2), the Executive Appropriations Committee may elect to:
 - (a) direct the Office of Legislative Research and General Counsel to prepare legislation that would repeal or modify a new agency or new program and:
 - (i) adopt the legislation as a committee bill; or
 - (ii) decline to adopt the legislation as a committee bill;
 - (b) recommend that the Legislature reduce or eliminate appropriations for a new agency or new program;
 - (c) take no action; or
 - (d) take another action that a majority of the committee approves.